

CITY OF LODI

RESOLUTION NO. 4124

PROVIDING FOR THE ISSUANCE OF \$960,000 PRINCIPAL AMOUNT OF "CITY OF LODI 1965 MUNICIPAL IMPROVEMENT BONDS, SERIES C," BEING PART OF AN ISSUE OF \$7,200,000 PRINCIPAL AMOUNT AUTHORIZED AT AN ELECTION HELD IN SAID CITY ON JUNE 8, 1965; PRESCRIBING THE DATE **AND** FORM OF SERIES C BONDS OF SAID ISSUE **AND** OF THE COUPONS TO BE ATTACHED THERETO **AND** PRESCRIBING TWO ALTERNATE SCHEDULES OF MATURITIES THEREOF; FIXING THE MAXIMUM RATE OF INTEREST ON SAID SERIES C BONDS; **AND** DIRECTING NOTICE OF SALE OF SAID SERIES C BONDS TO BE GIVEN

WHEREAS, the City Council **of** the City of Lodi heretofore on August 18, 1965, duly passed and adopted its Resolution No. 2851, as amended by Resolution No. 2869 adopted on October 6, 1965, providing for the issuance **of** \$7,200,000 principal amount of "City **of** Lodi 1965 Municipal Improvement Bonds" (therein and herein called the "Bonds"), as set forth in the records of this City Council; and

WHEREAS, in and by said Resolution No. 2851, **as** amended, said authorized issue of Bonds was divided into **series; and**

WHEREAS, pursuant to proceedings heretofore **duly** had and taken pursuant to said Resolution No. 2851, as amended, Series A Bonds of said authorized issue in the principal amount of \$5,500,000 were issued and sold and

B Bonds of said authorized issue in the principal amount of \$740,000 were issued and sold and the unmatured portion is now outstanding; and

WHEREAS, the City Council has determined, and does hereby declare, that it is necessary and desirable that the remaining \$960,000 principal amount of the Bonds be issued and sold for the purposes for which they were authorized by the electors:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi, as follows:

Section 1. Resolution No. 2851, adopted by the City Council on August 18, 1965, as amended as above recited, is incorporated herein by reference and all of the provisions thereof are made a part hereof and shall be applicable to said remaining \$960,000 principal amount of the Bonds, except only as herein otherwise expressly provided; provided, however, that Section 6 of said Resolution No. 2851 is hereby amended to insert the following paragraph at the end thereof, to wit: All of the provisions of this section with respect to the exchange of coupon Bonds and fully registered Bonds shall be applicable only to the Bonds of Series A.

Section 2. \$960,000 principal amount of the Bonds shall be and constitute an additional series of said issue, to be designated "Series C." The Series C Bonds shall be issued as coupon Bonds in the denomination of \$5,000, registrable as to principal only or as to both principal and interest and subject to discharge from registration, and shall be numbered from C1 to C192, both inclusive, in consecutive numerical order of their maturities. The

hereby fixed and determined to be the date of issue of the Series C Bonds).

All of the Series C Bonds shall bear interest from their date until paid at the rate **or** rates designated by the City council of the City of Lodi at the time of the sale of said bonds, but not to exceed six per cent (6%) per annum. Interest on the Series C Bonds shall be payable semiannually. Such interest shall be evidenced by coupons attached to each Series C Bond, which shall be numbered in consecutive numerical order from **1** upwards in the order of their respective maturities, and each of said coupons shall represent six months' interest on the Series C Bond to which **it** is attached. The interest coupons on the Series C Bonds shall be payable semiannually on ~~May~~ **1** and November **1** in each year until and at the respective maturity dates of the Series C Bonds.

The Series C Bonds shall mature serially in consecutive numerical order, from lower to higher, on November **1** in each year, as set forth in whichever of the two schedules of maturities hereinafter set forth is selected by this City Council at the time of receiving bids **for** the two alternative schedules of maturities of the Series C Bonds, pursuant to the Official Notice of Sale set forth in Section **6** of this resolution. The schedule **so** selected shall be set forth in the resolution adopted by the City Council selling the Series C Bonds **and thereupon** the **other** schedule shall be annulled and be of no further **farce** and **effect**. **The** two alternative schedules are as follows:

Bond Numbers (All bearing Prefix "C")	[inclusive) Prefix "C"]	Principal Amount	Maturity Date (November 1)
1 - 9		\$ 45,000	1976
10 - 19		50,000	1977
20 - 30		55,000	1978
31 - 42		60,000	1979
43 - 55		65,000	1980
56 - 69		70,000	1981
70 - 84		75,000	1982
85 - 100		80,000	1983
101 - 117		85,000	1984
118 - 134		85,000	1985
135 - 152		90,000	1986
153 - 171		95,000	1987
172 - 192		105,000	1988

Schedule B

Bond Numbers (All bearing Prefix "C")	[inclusive) Prefix "C"]	Principal Amount	Maturity Date (November 1)
1 - 14		\$ 70,000	1976
15 - 29		75,000	1977
30 - 45		80,000	1978
46 - 62		85,000	1979
63 - 80		90,000	1980
81 - 99		95,000	1981
100 - 120		105,000	1982
121 - 143		115,000	1983
144 - 167		120,000	1984
168 - 192		125,000	1985

Both the principal of and interest on the Series C Bonds shall be payable in lawful money of the United States of America at the principal office of Bank of America National Trust and Savings Association, the Paying Agent of the City in San Francisco, California, or at holder's option, at the principal office of First National City Bank, the Paying Agent of the City in New York, New York, or at the office of The First National Bank of Chicago, the Paying Agent of the City in Chicago, Illinois.

Section 3. The Series C Bonds and the coupons attached thereto and the registration endorsement to appear thereon shall each be substantially in the following form, the blanks in said forms to be filled with appropriate words or figures, namely:

UNITED STATES OF AMERICA

STATE OF CALIFORNIA

SAN JOAQUIN COUNTY

CITY OF LODI 1965 MUNICIPAL IMPROVEMENT BOND, SERIES C

NO. C _____

\$5,000

The CITY OF LODI, a municipal corporation organized and existing under the Constitution and laws of the State of California, hereby acknowledges itself indebted and for value received promises to pay to the bearer (or if this bond be registered, to the registered owner hereof), on the first day of November, 19__, the principal sum of

FIVE THOUSAND DOLLARS (\$5,000)

together with interest thereon from the date hereof until payment of said principal sum in full at the rate of _____ per cent (____%) per annum, payable semiannually on May 1 and November 1 of each year. Unless this bond be registered as to principal and interest, such interest on or prior to maturity shall be payable only on presentation and surrender of the proper interest coupons hereto attached as they respectively become due. Both the principal of and interest on this bond are payable in lawful money of the United States of America at the principal office of Bank of America National Trust and Savings Association, in San Francisco, California, or at holder's option, at the principal office of First National City Bank, in New York, New York, or at the office of The First National Bank of Chicago, in Chicago, Illinois.

This bond is one of a duly authorized issue of bonds of said City aggregating Seven Million Two Hundred Thousand Dollars (\$7,200,000) in principal amount, all of like tenor (except for such variations, if any, as may be required to designate varying series, numbers, dates, denominations, maturities, interest rates or redemption provisions) and is one of the bonds of Series C of said authorized issue and is issued under and pursuant to the Constitution and statutes of the State of California, and under and pursuant to the ordinances and proceedings of said City duly adopted and taken and a vote and assent of more than two-thirds of all the qualified electors of said City voting at a special election duly called and held for that purpose.

This bond may be registered in the name of the owner hereof in conformity with the provisions endorsed hereon, and unless so registered shall be transferable by delivery.

all conditions, things and acts required by law to exist, happen and be performed precedent to and in the issuance of this bond have existed, happened and been performed in due time, form and manner as required by law, and that the amount of this bond, together with all other indebtedness of said City, does not exceed any limit prescribed by the Constitution or statutes of said State, and that provision has been made as required by the Constitution and statutes of said State for the collection of an annual tax sufficient to pay the principal of and interest on this bond as the same become due. The full faith and credit of said City are hereby pledged for the punctual payment of the principal of and interest on this bond.

IN WITNESS WHEREOF, the City of Lodi has caused this bond to be executed under its official seal, signed by its Mayor and its Treasurer, and countersigned by its City Clerk, and has caused the interest coupons attached hereto to be signed by its Treasurer, and this bond to be dated the first day of November, 1975.

Mayor of the City of Lodi

[SEAL]

Treasurer of the City of Lodi

Countersigned:

City Clerk of the City of Lodi

[Form of Interest Coupon]

Coupon No. _____

The CITY OF LODI on the first day of _____, 19____
will (unless the within-mentioned bond be registered as to principal and interest) pay to the bearer at the principal office of Bank of America National Trust and Savings Association, in San Francisco, California, or at holder's option, at the principal office of First National City Bank, in New York, New York, or at the office of The First National Bank of Chicago, in Chicago, Illinois, the sum set forth hereon in lawful money of the United States of America, being interest then due on its 1965 Municipal Improvement Bond, Series C, dated November 1, 1975, \$ _____
NO. C _____

Treasurer of the City of Lodi

This bond may be registered in the name of the owner on books kept by the San Francisco Paying Agent of the City, as to principal only, such registration being noted hereon by said Paying Agent in the registration blank below, after which no transfer shall be valid unless made on said books by the registered owner **or** attorney duly authorized and similarly noted in the registration blank below, but **it** may be discharged from registration by being transferred to bearer, after which **it** shall be transferable by delivery, but **it** may be again registered as before. The registration of this bond as to principal shall not restrain the negotiability of the coupons by delivery, but the coupons may be surrendered and the interest made payable only to the registered owner, in which event said Paying Agent shall note in the registration blank below that the bond is registered as to interest, as well as principal. At the request of the registered owner, this bond, if converted into a bond registered as to both principal and interest, may be reconverted into a coupon bond at the expense of the owner and such coupon bond may again be converted into a bond registered as to both principal and interest as hereinabove provided. Upon reversion of this bond, if registered as to principal and interest, into a coupon bond, coupons representing the interest to accrue hereon to date of maturity shall be attached hereto by said Paying Agent and said Paying Agent shall note in the registration blank below whether the bond is registered as to principal only **or** payable to bearer.

NOTE: There must be no writing in the space below
except by the San Francisco Paying Agent.

DATE OF REGISTRATION:	IN WHOSE NAME REGISTERED:	MANNER OF REGISTRATION:	SIGNATURE OF PAYING AGENT:

as to principal only ~~or~~ as to both principal and interest in the manner set forth in the registration certificate herein contained pertaining to such bonds. Series C Bonds registered as to both principal and interest may be discharged from registration and converted into coupon bonds. A person in whose name a Series C Bond shall be registered shall be deemed the absolute owner and, so long as the same shall be registered as to principal and interest, payments of ~~or~~ on account of the principal and interest thereof shall be made only to the registered owner. Payment of the principal of a Series C Bond registered as to principal only shall be made only to the registered owner of such Series C Bond, but the bearer of any coupon appertaining to an unregistered Series C Bond ~~or~~ to a Series C Bond registered as to principal only ~~or~~ registered to bearer shall be deemed the absolute owner of such coupon and the bearer of any unregistered Series C Bond ~~or~~ a Series C Bond registered to bearer shall be deemed the absolute owner of such Series C Bond and the City and the Paying Agent, or any Alternate Paying Agent, shall be fully protected in making payment of such unregistered Series C Bond ~~or~~ coupon to the bearer thereof.

In all cases in which the privilege of transferring, registering ~~or~~ reconverting a Series C Bond is exercised, the Paying Agent may make a charge sufficient to reimburse ~~it~~ for any tax, fee ~~or~~ other governmental charge required to be paid by the City ~~or~~ the Paying Agent in connection therewith, and in addition may charge a reasonable sum for its costs and expenses in the reconversion ~~of~~ any such Series C Bond registered as to both principal

only, or into a Series C Bond the principal and interest of which is payable to bearer, not exceeding \$1 per \$1,000 principal amount of Series C Bonds so converted or such larger amount as may be permitted by law, which ~~sum~~ or ~~sums~~ shall be paid by the person requesting such transfer, registration or reconversion.

Section 5. The proceeds of the sale of the Series C Bonds shall be deposited ~~as~~ follows:

(a) All moneys received on account of any premium paid on the Series C Bonds and interest accrued on the Series C Bonds from their date to the date of delivery and actual payment of the purchase price thereof shall be ~~de-~~posited in the City of ~~Lodi~~ 1965 Municipal Improvement Bond Interest and Sinking Fund provided for in Section 7 of said Resolution No. 2851, as amended.

(b) The balance of the proceeds of the sale of the Series C Bonds shall be deposited in the "1965 Sewer System Improvements Fund" established by Section 8(a) of said Resolution No. 2851, as amended, by which a record shall be kept of the disbursement of the proceeds of the sale of \$4,215,000 principal amount of the Bonds, including the proceeds of sale of \$3,255,000 principal amount of the Series A Bonds (except premium and accrued interest received on such sale) and \$960,000 principal amount of the Series C Bonds (except premium and accrued interest received on such sale).

Section 6. All ~~of~~ the Series C Bonds shall be offered for public ~~sale~~ by the City Council on Wednesday, December 17, 1975, and the City Clerk is hereby authorized and directed to cause a notice of the sale of the Series C

newspaper published in the City, and she is further authorized and directed to open bids for the Series C Bonds and report the results of such opening to the City Council, all in accordance with said notice, which such notice shall be substantially in the following form, to wit:

\$960,000 CITY OF LODI 1965 MUNICIPAL

IMPROVEMENT BONDS, SERIES C

NOTICE IS HEREBY GIVEN that sealed proposals will be received and opened by the City Clerk of the City of Lodi, San Joaquin County, State of California, at the office of Stone & Youngberg Municipal Financing Consultants, Inc., Suite 2750, One California Street, San Francisco, California 94111, on

WEDNESDAY, DECEMBER 17, 1975

at the hour of 11:00 o'clock A.M. for the purchase of \$960,000 principal amount of bonds of the City designated "City of Lodi 1965 Municipal Improvement Bonds, Series C" (hereinafter called the "bonds"), more particularly described below. The bonds are the last part of an authorized issue of \$7,200,000 aggregate principal amount authorized at an election held in the City on June 8, 1965, of which \$5,500,000 principal amount was sold on October 6, 1965 and \$740,000 principal amount was sold on April 16, 1969.

ISSUE AND
DENOMINATION:

\$960,000 principal amount of coupon bonds, numbered consecutively from C1 to C192, both inclusive, of the denomination of \$5,000.

DATE :

The bonds are dated November 1, 1975.

SCHEDULES OF
MATURITIES:

The bonds are offered for sale maturing serially in consecutive numerical order, from lower to higher, on November 1 of each year, as set forth in the following two alternative schedules of maturities: provided, however, that the bonds shall be issued in accordance with only one of said schedules, and not otherwise, as may be determined by the City Council at the time of receiving bids for the bonds as set forth below under the heading "Terms of Sale." All the terms of the bonds set forth in this notice shall apply to both of the two schedules of maturities of the bonds. The bonds are not subject to redemption prior to their fixed maturity dates.

Bond Numbers (inclusive) (All bearing Prefix "C")	Principal Amount	Maturity Date (November 1)
1 - 9	\$ 45,000	1976
10 - 19	50,000	1977
20 - 30	55,000	1978
31 - 42	60,000	1979
43 - 55	65,000	1980
56 - 69	70,000	1981
70 - 84	75,000	1982
85 - 100	80,000	1983
101 - 117	85,000	1984
118 - 134	85,000	1985
135 - 152	90,000	1986
153 - 171	95,000	1987
172 - 192	105,000	1988

Schedule B

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15 - 29	75,000	1977
30 - 45	80,000	1978
46 - 62	85,000	1979
63 - 80	90,000	1980
81 - 99	95,000	1981
100 - 120	105,000	1982
121 - 143	115,000	1983
144 - 167	120,000	1984
168 - 192	125,000	1985

INTEREST RATE: Maximum six per cent (6%) per annum, payable semiannually on May 1 and November 1 in each year. Bidders must specify the rate or rates of interest which the bonds hereby offered for sale shall bear. Bidders may specify any number of separate interest rates irrespective of the maturities of the bonds, and the same rate or rates may be repeated as often as desired: provided, however, that (i) the difference between the highest and lowest coupon rates specified in any bid shall not exceed two per cent (2%); (ii) each interest rate specified must be in a multiple of 1/20 of one per cent and a zero rate of interest cannot be specified; (iii) no bond shall bear more than one rate of interest, no interest payment shall be evidenced by more than one coupon and supplemental coupons will not be permitted; (iv) each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; (v) all bonds of the same maturity shall bear the same rate of interest; and (vi) any premium must be paid in bank funds as part of the purchase price, and no bid will be accepted which provides for the cancellation and surrender of any interest coupon or for the waiver of

for immediately available bank funds. Bids which do not conform to the terms of this paragraph will be rejected.

PAYMENT: Both principal and interest are payable in lawful money of the United States of America at the principal office of Bank of America National Trust and Savings Association, in San Francisco, California, or at holder's option, at the principal office of First National City Bank, in New York, New York, or at the office of The First National Bank of Chicago, in Chicago, Illinois.

EXECUTION AND REGISTRATION: Coupon bonds will be issued by the City. The bonds will be executed by the manual signature of at least one official authorized to execute the bonds. The bonds are registrable as to principal only or as to both principal and interest. Registered bonds are subject to de-registration and re-registration as provided in the resolution authorizing the issuance of the bonds.

PURPOSE OF ISSUE: The bonds are authorized by vote of two-thirds of the qualified voters voting at a special bond election for the purpose of authorizing bonds for the acquisition, construction and completion of sewer system improvements for the City of Lodi.

SECURITY: The bonds are general obligations of the City of Lodi and the City has power and is obligated to levy ad valorem taxes for the payment of the bonds and the interest thereon upon all property within the City of Lodi subject to taxation by the City (except certain personal property, which is taxable at limited rates), without limitation of rate or amount.

TAX EXEMPT STATUS: In the event that prior to the delivery of the bonds (i) the income received by any private holder from bonds of the same type and character shall be declared to be taxable (either at the time of such declaration or at any future date) under any federal income tax laws, either by the terms of such laws or by ruling of a federal income tax authority or official which is followed by the Internal Revenue Service, or by decision of any federal court, or (ii) any federal income tax law is enacted which will have a substantial adverse tax effect on holders of the bonds as such, the successful bidder may, at his option, prior to the tender of the bonds by the City, be relieved of his obligation under the contract to purchase the bonds and in such case the deposit accompanying his bid will be returned.

LEGAL OPINION: The legal opinion of Messrs. Orrick, Herrington, Rowley & Sutcliffe of San Francisco, California, approving the validity of the bonds will be furnished to the successful bidder without charge. A copy of the legal opinion, certified by the officer in whose office the original is filed, will be printed on each bond without charge to the successful bidder.

Selection of
Schedule Pursuant to Which
Bonds Will Be
Issued:

The City Council will select the schedule pursuant to which the bonds will be issued in accordance with the following rules: The City Council will not issue the bonds pursuant to Schedule B in the event that there are any bids for the bonds to be issued pursuant to Schedule A. In the event that there are bids for the bonds only to be issued pursuant to Schedule B, the City Council will issue the bonds pursuant to such schedule.

Highest
Bid in the
Selected
Schedule:

The bonds in the schedule selected by the City Council pursuant to the preceding paragraph will be awarded to the highest bidder bidding for the bonds to be issued pursuant to such schedule, considering the interest rate or rates specified and the premium offered, if any. The highest bid will be determined by deducting the amount of the premium bid (if any) from the total amount of interest which the City would be required to pay from the date of the bonds to the respective maturity dates at the coupon rate or rates specified in the bid, and the award will be made on the basis of the lowest net interest cost to the City. The purchaser must pay accrued interest from the date of the bonds to the date of delivery. All interest shall be computed on a 360-day year basis. The cost of printing the bonds will be borne by the City.

Right of
Rejection:

The City Council reserves the right, in its discretion, to reject any and all bids and to waive any irregularity or informality in any bid.

Prompt Award:

The City Council will take action awarding the bonds or rejecting all bids not later than 24 hours after the expiration of the time herein prescribed for the receipt of proposals, unless such time of award is waived by the successful bidder.

Delivery
and Payment:

Delivery of the bonds will be made to the successful bidder at the principal office of Bank of America National Trust and Savings Association, in San Francisco, California, as soon as the bonds can be prepared, which is estimated to be within thirty (30) days of the date of sale. Payment for the bonds must be made in immediately available San Francisco funds.

Right of
Cancellation:

The successful bidder shall have the right, at his option, to cancel the contract of purchase if the City shall fail to execute the bonds and tender the same for delivery within sixty (60) days of the date of sale, and in such event the successful bidder shall be entitled to the return of the deposit accompanying his bid.

of the bonds hereby offered ~~for~~ sale and for not less than the par value thereof and accrued interest to date of delivery. Each bid, together with bidder's check, must be enclosed in a sealed envelope addressed to the City Clerk of the City of Lodi and endorsed "Proposal for City of Lodi 1965 Municipal Improvement Bonds, Series C." All bids will be opened by the City Clerk at the time and place first in this notice referred to, and the results of the bid opening will be reported by the City Clerk to the City Council at its meeting to be held at 8:00 P.M. on said date. All bids must either be mailed to the City Clerk, care of Stone & Youngberg Municipal Financing Consultants, Inc., Suite 2750, One California Street, San Francisco, California 94111, in time to be received by 11:00 A.M. on December 17, 1975, ~~or~~ delivered to the City Clerk at said place by said time on such date.

Bid Check: With each bid must be submitted a certified check ~~or~~ cashier's check for \$20,000 drawn on a bank ~~or~~ trust company transacting business in the State of California, payable to the order of the Treasurer of the City of Lodi to secure the City from any ~~loss~~ resulting from the failure of the bidder to comply with the terms of his bid. Checks of all bidders (except the successful bidder) will be returned by the City by mail promptly following the sale date above specified. No interest will be paid upon the deposit made by any bidder.

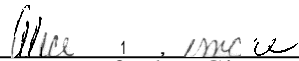
Estimate of Net Interest Cost: Bidders are requested, but not required, to supply an estimate of the total net interest cost to the City on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder ~~or~~ the City.

CUSIP Numbers: It is anticipated that CUSIP numbers will be printed on the bonds but neither the failure to print such numbers on any bond nor error with respect thereto shall constitute cause for a failure ~~or~~ refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the bonds shall be paid by the issuer; provided, however, that the fee of the CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by said purchaser.

Official Statement: The City has caused an official statement to be prepared, a copy of which will be furnished upon request addressed to Stone & Youngberg Municipal Financing Consultants, Inc., Suite 2750, One California Street, San Francisco, California 94111, the City's financing consultant.

validity of the above issue, the Corporate existence of the City, **or** the title of the officers thereof to their respective offices, and the City will furnish to the **suc-**cessful bidder a no-litigation certificate certifying to the foregoing as of and at the time of the delivery of the bonds.

Dated: November 19, 1975.



City Clerk of the City of Lodi,
State of California

— — — — —

PASSED **AND** ADOPTED this 19th day of November, 1975.

AYES: Councilmen: Ehrhardt, Hughes, Katnich. Pinkerton and Schaffer

NOES : Councilmen: None

ABSENT: Councilmen: None

APPROVED:

B. D. Shetty
Mayor of the City of Lodi

[SEAL]

ATTEST :

Alice M. Rumsche
City Clerk

I, Alice M. Reimche, City Clerk of the City of Lodi, California, do hereby certify as follows:

The foregoing is a full, true and correct copy of a resolution duly adopted by the City Council of said City at a regular meeting of said City Council duly and regularly and legally held at the regular meeting place thereof on November 19, 1975, of which meeting all of the members of said City Council had due notice and at which a majority thereof was present.

At said meeting said resolution was introduced by City Manager Henry A. Claves, and was thereupon, upon motion of Councilman Ehrhardt, seconded by Councilman Katnich, adopted by the following vote:

AYES : Councilmen - **Ehrhardt, Hughes, Katnich, Pinkerton**
and Schaffer

NOES: Councilmen - None

ABSENT: Councilmen - None

I have carefully compared the same with the original minutes of said meeting on file and of record in my office and said resolution is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

The original resolution has not been amended, modified or rescinded since the date of its adoption and the same is now in full force and effect.

Dated: November 20, 1975.

[SEAL]

Alice M. Reimche
City Clerk of the City of Lodi,
State of California

RESOLUTION OF INTENTION NO. 4123 IN THE MATTER
OF THE CONSTRUCTION OF STREET LIGHT STANDARDS
AND NECESSARY WIRES AND CONDUITS IN THE
EDEN STREET STREET LIGHTING DISTRICT
IN THE CITY OF LODI.

RESOLVED by the City Council of the City of Lodi that the written petition presented and filed in the above matter contains the signatures of the owners of more than 60% of the front footage of the property subject to assessment for proposed improvement, and that said petition contains a waiver of the investigation proceedings under the Special Assessment Investigation, Limitation and Majority Protest Act of 1931;

RESOLVED FURTHER, by the City Council of the City of Lodi that it is the intention of the said City Council to order the following work to be done and improvements to be made in the City of Lodi, County of San Joaquin, State of California, to wit:

Erection and construction of street light standards and necessary **wires** and conduits **for** the purpose of providing street lights within the City of Lodi ~~on~~ Eden Street between Stockton Street and Washington Street.

All of the above mentioned work is more particularly and specifically set forth and described in the plans and specifications for said work heretofore adopted by the City Council of the City of Lodi by its Resolution No.4122 , which plans and specifications are hereby referred to for all particulars in connection therewith. The public streets and rights of way hereinabove referred to are shown and delineated in detail and specifically

located on the plans hereinabove referred to, and reference is hereby specifically made to said plans, and notice is hereby given to all parties that specific locations thereof are contained in said plans; and

BE IT FURTHER RESOLVED that street light standards and necessary wires and conduits be constructed in said streets, avenues, roads, lanes, courts, places and/or public ways hereinabove described, of the dimensions, materials, and in the particular locations set forth and shown on the plans and specifications and detailed drawings hereinabove and hereafter referred to; together with the construction of all appurtenances thereto, including necessary fittings, trenchings, grading and regrading, excavation and fill, removal of obstructions, connections to existing services, back filling, reconstruction of existing ground surface as required to conditions existing prior to commencement of construction, all in the manner, of the materials and to the dimensions and to the grades, and in the particular locations as the same are more fully shown on the plans and specifications and detailed drawings hereinabove and hereafter referred to;

All of said work and improvements shall be done in accordance with the plans and specifications heretofore adopted by the City Council of the City of Lodi by Resolution No. 4122 on November 19, 1975 for the doing of said work and improvement, and which are now on file in the office of the City Clerk of the City of Lodi. Said plans and specifications, and detailed drawings and diagrams accompanying the same are hereby expressly referred to for full and detailed description and location of said proposed work and improvements, the public streets and rights of way involved, and the grades of the public streets and rights of way involved.

All of said work shall include any and all streets intersections, terminations and opposite terminations occurring within the limitations of said work;

The attention of all persons is directed to the fact that all of said classes of work above described may not be constructed upon all of the streets and/or public ways above described in their entirety, but only upon the particular locations as shown on the plans and specifications, to which the attention of all persons is directed for a description of the work, location of the several classes of work, a description of the classes of work to be done upon each of the several public streets or rights of way named, a description of the streets and rights of way, and for all other information contained in the said plans and specifications pertinent to the doing and completion of the work and improvements herein proposed; and

WHEREAS, said contemplated work and improvements, in the opinion of this City Council, is of more than local or ordinary benefit, said City Council hereby makes the expenses and costs of said work and improvements chargeable upon a district, which said district said City Council hereby declares the district benefited by the work and improvements herein described; said district shall include that territory in the City of Lodi, County of San Joaquin, State of California, which is shown on that certain plat or map on file in the office of the City Clerk of the City of Lodi, and which is entitled and described, "Map Showing Proposed Assessment District Boundary for

Eden Street Street Light District and which said map or plat indicates, by a boundary line, the extent of the territory included in the proposed district and covers all details as to the extent of the area to be

assessed: said map or plat is, by this reference incorporated herein and made a part hereof;

Excepting from the area shown and delineated on said map or plat, hereinabove referred to, the area of all public streets, avenues, lanes, roads, drives, courts, places, public parks, and all easements and rights of way therein contained belonging to the public.

RESOLVED FURTHER, pursuant to Section 5260 of the Streets and Highways Code, that the City Council of the City of Lodi finds that the public interest will not be served by allowing the property owners affected by the proceedings to take the contract to be awarded pursuant to the proceedings to be had hereunder.

Notice is hereby given that **on** Wednesday, December 17, 1975 at the hour of 8:00 o'clock p.m. of said day, at the meeting place of the City Council of the City of Lodi, County of San Joaquin. State of California, any and all persons having any objection to the proposed work or improvements or any objections to the grades to which said work is proposed to be done or to the boundaries of the district proposed to be assessed to pay the cost and expenses of said work, may **appear** before said City Council of **the** City of Lodi and show cause why said improvements should not be carried out in accordance with this Resolution of Intention, and may present written protest, not later than the hour hereinabove set for hearing, against the doing of said work, the grades to which said work is to be done, or the extent of the territory to be assessed to pay the cost and expenses thereof;

The City Clerk of the City of Lodi shall cause this Resolution of Intention to be published twice in the "Lodi News-Sentinel," a daily newspaper of general circulation published and circulated in the City of Lodi, which said

newspaper has herefore been designated by said City Council as the newspaper in which shall be printed and published all notices, resolutions, orders and other matters required to be published in the proceedings taken pursuant to this Resolution and under the provisions of the said "Improvement Act of 1911" and amendments thereto; the first publication of said notice shall be not less than ten (10) days prior to the date herein fixed for hearing on this Resolution of Intention;

The Superintendent of Streets shall cause to be conspicuously posted along the line of said contemplated work and improvement, and on all the open streets within the assessment district, notice of the passage of this Resolution of Intention in the time, form and manner required by law.

The City Clerk of the City of Lodi is hereby directed to mail notices of the adoption of this Resolution of Intention postage prepaid, to all persons owning real property proposed to be assessed, whose names and addresses appear on the Last equalized assessment roll for County taxes, or as known to said City Clerk, said mailing to be at least fifteen (15) days prior to the day herein fixed for the hearing on this Resolution of Intention, all in the time, form and manner prescribed in said "Improvement Act of 1911" as amended.

This Council elects that the doing of said improvement shall be in accordance with the provisions of Section 5135 of the Streets and Highways Code, in so far as the provisions of said section may affect the financing of said improvement; that the City Council will purchase, out of the general funds of the City of Lodi, an assignment of the warranty, assessment, and diagram upon delivery thereof to the contractor, pursuant to Section 5374 of the Streets and Highways Code, and at the total amount of the several assessments,

upon the assessment and diagram attached to the warrant; and the City Clerk is hereby instructed that the Notice Calling for Bids for doing the work shall **so** state, and that such bids may be **on** that basis.

Dated: November 19, 1975

This is to certify that Resolution No. 4123 was duly and regularly adopted by the City Council of the City of Lodi in regular meeting held November 19, 1975 by the following vote:

Ayes: Councilmen - Ehrhardt, Hughes, Katnich, Pinkerton
and Schaffer

Noes: Councilmen - None

Absent: Councilmen - None


A Alice H. Reimche M. REIMCHE

City Clerk